

St. Paul, MN

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**CITY OF ST. PAUL, MN**

**Employer**

**and**

**Case 18-WH-137954**

**INTERNATIONAL UNION OF OPERATING  
ENGINEERS, LOCAL #70**

**Petitioner**

**CERTIFICATION OF REPRESENTATIVE AS BONA FIDE  
UNDER SECTION 7(B) OF THE FAIR LABOR STANDARDS ACT OF 1938**

On October 2, 2014, International Union of Operating Engineers, Local #70 filed with the Regional Director for Region 18 of the National Labor Relations Board a request for certification of representative as bona fide under Section 7(b) of the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. § 207(b).

On October 28, 2014, the Regional Director served on the parties a Notice to Show Cause why the Board should not grant the request. No response was filed. As the Region's investigation revealed that the Petitioner is the recognized collective-bargaining representative of the unit employees, the Regional Director recommended to the Board that the requested certification be issued.<sup>1</sup>

No party having shown cause why the requested certification should not be issued, the National Labor Relations Board hereby certifies that International Union of Operating Engineers, Local #70 is a bona fide representative, for purposes of Section

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<sup>1</sup> The record includes a copy of the parties' most recent collective-bargaining agreement, effective by its terms from June 3, 2013 through December 31, 2015.

7(b) of the FLSA, of the employees of St. Paul, Minnesota in the following bargaining unit:<sup>2</sup>

All regular, probationary, and provisional engineering and building maintenance personnel who are employed by the City of Saint Paul or who have their "terms and conditions of employment" established by the governing body of the City of Saint Paul, and whose employment service exceeds the lesser of fourteen (14) hours per week or thirty-five percent (35%) of the normal work week and more than sixty-seven (67) work days per year in the following classifications: Building Maintenance Engineer, Chemical Feed System Repairer, Custodial Worker, Custodian, Custodian I, Custodian II, Custodian-Engineer Trainee, Custodian-Engineer I, Custodian-Engineer I-Library, Custodian-Engineer I-Public Safety, Custodian-Engineer II, Custodian-Engineer II-Library, Custodian-Engineer III, Custodian Engineer III-Library, Custodian (Light Duty), House Custodian II, Maintenance Worker, Operating Engineer, Park Security Officer (Parks), Park Security Officer-Lead, Police Security Ranger (Police), Pumping Engineer II, Security/Safety Officer-Library, Security Officer-Water Utility, Sewer Pumping Station Operator, Supervising Stationary Engineer, Water Plant Operator I, Water Plant Aide, Water Plant Worker, Water Treatment Plant Operator II, excluding supervisory, managerial, clerical confidential, temporary, and emergency employees, those exclusively represented by other labor or employee organizations, and all other employees.

Dated, Washington, D.C., January 12, 2015

By direction of the Board:

Gary Shinnars

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Executive Secretary

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<sup>2</sup> A certificate of representative as bona fide for purposes of the FLSA does not necessarily establish the right of the organization so certified to be recognized as the exclusive bargaining representative of employees within a particular bargaining unit under the provisions of the National Labor Relations Act. See *County of Alameda*, 322 NLRB 614 (1996).